

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 05-5040-01-02-CR-SW-RED</b>
	)	
<b>JOSE INES IBARRA and,</b>	)	
<b>NICOLASA SALAS-SERRANO,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Now before the Court are Defendants' Motion to Dismiss Count Fourteen of the Indictment Based on the Statute of Limitations in 18 U.S.C. Sec. 3282, and, Rule 48(b)(1) (Doc. 37), Defendants' Motion to Dismiss Count 8, Paragraph 28 and Count Thirteen Paragraph 38 or in the Alternative, Motion for a Bill of Particulars as to Same (Doc. 38), Report and Recommendation of the United States Magistrate Judge (Doc. 45), Defendants' Motion that Magistrate Judge Reconsider Report and Recommendation of the United State Magistrate Judge (Doc. 47), and Supplemental Report and Recommendation of United States Magistrate Judge (Doc. 53).

Defendant Jose Ibarra seeks to dismiss Count Fourteen of the Superceding Indictment on the basis that the charge of knowing possession of a fraudulently obtained alien registration receipt card is barred by the 5-year statute of limitations provided under 18 U.S.C. § 3282. Defendants Ibarra and Salas-Serrano also seek to dismiss Counts Eight and Thirteen, arguing these counts fail to adequately advise Defendants of the identity of the drugs allegedly smuggled. In the alternative, Defendants seek a Bill of Particulars specifically identifying the drugs at issue. On October 12, 2006, United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. 45) recommending that Defendants' Motions to Dismiss and Motion for

a Bill of Particulars be denied. Defendants then filed a Motion for Reconsideration, requesting the Magistrate Judge reconsider his recommendation regarding Count Fourteen of the Superseding Indictment. On March 8, 2007, United States Magistrate Judge James C. England issued his Supplemental Report and Recommendation (Doc. 53) recommending that Defendants' Motion for Reconsideration be denied and further recommending that Defendants' Motion to Dismiss Count Fourteen of the Superseding Indictment be denied.

Upon careful and independent review of the pending motions, the suggestions filed by the parties in regard to said motions, and the applicable law, the Court ADOPTS the Report and Recommendation of United States Magistrate Judge (Doc. 45) and the Supplemental Report and Recommendation of United States Magistrate Judge (Doc. 53) in full. Accordingly, it is hereby

**ORDERED** that Defendants' Motion to Dismiss Count Fourteen of the Indictment Based on the Statute of Limitations in 18 U.S.C. Sec. 3282, and, Rule 48(b)(1) (Doc. 37), Defendants' Motion to Dismiss Count 8, Paragraph 28 and Count Thirteen Paragraph 38 or in the Alternative, Motion for a Bill of Particulars as to Same (Doc. 38), and Defendants' Motion that Magistrate Judge Reconsider Report and Recommendation of the United State Magistrate Judge (Doc. 47) are **DENIED**.

**IT IS SO ORDERED.**

DATE: March 29, 2007

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE  
UNITED STATES DISTRICT COURT